

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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ROBERT RICHARDS,

Plaintiff,

- against -

TRANSFER ORDER  
24-CV-8027 (NRM)(CLP)

NEW YORK STATE DEPARTMENT OF  
CORRECTIONS,

Defendant

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NINA R. MORRISON, United States District Judge:

On November 15, 2024, *pro se* plaintiff Robert Richards, incarcerated at Altona Correctional Facility, filed this civil rights action pursuant to 42 U.S.C. § 1983 seeking damages for prison conditions at the facility, namely the beds which are causing him back pain. ECF No. 1. Plaintiff also filed a motion to proceed *in forma pauperis*, but his submission is incomplete, lacking the form's second page and the required signature. ECF No. 2. For the reasons discussed below, the Court transfers this action to the United States District Court for the Northern District of New York.

“A civil action may be brought in a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located,” or where “a substantial part of the events or omissions giving rise to the claim occurred.” 28 U.S.C. § 1391(b). However, the Complaint does not indicate any basis on which the case could have been brought in the Eastern District of New York.

The Defendant, the New York State Department of Corrections and

Community Supervision, is located in Albany County, within the Northern District of New York. *See* 28 U.S.C. § 112(a). And the allegations in the complaint occurred at the Altona Correctional Facility, which is located in Clinton County, within the Northern District of New York. *Id.* The Court concludes that venue is not proper in the Eastern District of New York, and the case should instead be transferred to the United States District Court for the Northern District of New York.

“The district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if be in the interest of justice, transfer such case to any district or division in which it could have been brought.” 28 U.S.C. § 1406(a). Given plaintiff’s *pro se* status, the Court finds it to be in the interest of justice to transfer the case.

Accordingly, the Clerk of Court is directed to immediately transfer this action to the United States District Court for the Northern District of New York. Consideration of plaintiff’s application to proceed *in forma pauperis* and enforcement of the Prison Litigation Reform Act is reserved for the transferee Court. That provision of Rule 83.1 of the Local Rules for the Eastern District of New York, which requires a seven-day delay in the transfer of relevant case materials, is waived.

SO ORDERED.

/s/ Nina R. Morrison  
NINA R. MORRISON  
United States District Judge

Dated: January 14, 2025  
Brooklyn, New York